

AMENDMENTS TO THE DRAWINGS

Submitted herewith, please find one (1) sheet to replace the drawing in compliance with 37 C.F.R. § 1.84. The Examiner is respectfully requested to acknowledge receipt of the drawing sheet.

In the drawing sheet, Fig. 2 has been amended by inserting --Conventional-- in the line below "Fig. 2".

Enclosures: Annotated Sheet (1)
 Replacement Sheet (1)

REMARKS

This Amendment is filed in response to the non-final Office Action dated March 11, 2009, and is respectfully submitted to be fully responsive to the rejections raised therein. Accordingly, favorable reconsideration on the merits and allowance are respectfully requested.

In the present Amendment, the specification has been amended to correct minor typographical errors.

Furthermore, Fig. 2 has been amended to comply with 37 C.F.R. § 1.121(d).

Claim 1 has been amended to improve its form.

No new matter has been added. Entry of the Amendment is respectfully submitted to be proper. Upon entry of the Amendment, claims 1, 2, 4, and 6-11 will be all the claims pending in the application.

I. Response to Objection to the Specification

The Examiner has objected to the disclosure for the reasons set forth on page 2 of the Detailed Action.

Applicant respectfully requests that the objection be withdrawn in view of the amendments to the specification whereby the phrase "It can say" has been amended to recite ---It can be said--- on page 5, line 12; and the word "perform" has been changed to ---preform--- on page 6, line 19.

II. Response to Objection to the Drawing

According to the Examiner, Fig. 2 should be designated by a legend such as --Prior Art---.

Applicant respectfully submits that Fig. 2 in the present application depicts a “conventional sliding member.” Therefore, the drawing has been amended to recite ---conventional--- in the legend. Accordingly, withdrawal of the objection is respectfully requested.

III. Response to Objection to the Claims

According to the Examiner, the phrase “an ultrahigh molecular weight polyethylene, a plastic, and a barrier layer”, in line 3 of claim 1, should be amended because the plastic layer is actually the “ultrahigh molecular weight polyethylene.” Thus, claim 1 is objected to.

Applicant respectfully requests that the objection be withdrawn in view of the amendment to claim 1.

IV. Response to Rejection Under 35 U.S.C. § 103(a)

Claims 1, 2, 4, 6, 7 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 08-031128 to Nagai (JP ‘128) in view of JP 2002-166401 to Tsubouchi (JP ‘401).

Applicant respectfully traverses and requests that the rejection be withdrawn in view of the amendments to the claims and the following remarks.

JP' 128 is directed to the method of forming an optical disk unit which does not generate errors at the time of writing and reading by reducing the friction between an optical disc and the cartridge case to suppress the generation of worn powder and capturing the worn powder that is generated.² The member for protecting the optical disc is obtained by sticking the porous sheet on one surface and a separator on the other surface to form a double coated tacky adhesive tape and blacking the tape to an annular shape.³ The member for the optical disc protection consists of an ultra-high-molecular-weight polyethylene porous sheet and said member is arranged to contact a portion of an optical disc and a cartridge case.⁴ The ultra-high-molecular-weight polyethylene porous sheet has a small coefficient of friction and has a molecular weight that exceeds about 500,000.⁵ The porosity of the ultra-high-molecular-weight polyethylene sheet is from 20-70%.⁶

JP' 128 further teaches that the fixing method of the member for the optical disc protection is not restricted and immobilization is accomplished using an adhesive layer. The adhesive layer can be formed by applying a binder solution and drying, or by sticking a pressure

² See JP 08-031128, paragraph [0001], English machine translation as provided in the IDS filed March 18, 2004.

³ JP 08-031128, abstract, available at www.esp@cenet.com

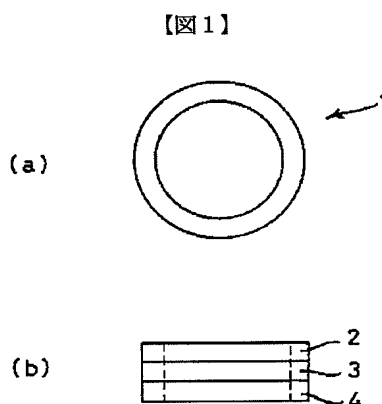
⁴ See JP 08-031128, paragraphs [0007] and [0008], English machine translation as provided in the IDS filed March 18, 2004.

⁵ Id. at paragraph [0011].

⁶ Id. at paragraph [0027].

sensitive adhesive double coated tape. The binder solution may include various pressure sensitive type binders, such as silicone, acrylic and rubber systems.⁷

Fig. 1 of JP' 128, below, depicts (a) a top view and (b) a side view of the member as described in JP' 128. Item 1 represents the ultra high molecular weight polyethylene porous sheet, item 2 represents an adhesive layer and 3 represents a separator.⁸



JP '401, on the other hand, is directed to a method for manufacturing a resin impregnation treated reinforced laminate material having high surface hardness (e.g., plywood).

With respect to independent claim 1, Examiner Klimowicz concedes that JP '128 fails to expressly disclose that a barrier layer is provided between the slidable substrate and the pressure-sensitive adhesive layer. However, according to the Examiner, it is well known in the laminate art that these barrier layers are provided between porous substrate and adhesive layers to prevent the migration of adhesive into the porous substrates as allegedly suggested by JP '401. The

⁷ Id. at paragraph [0032].

⁸ Item 4 is not appear to have been discussed in the English translation version.

Examiner's position is that one of ordinary skill in the art would have been motivated to provide a barrier layer between the slidable substrate and the pressure-sensitive adhesive layer of JP '128 in the express and explicit manner as taught and suggested by JP '401 to expressly and explicitly "prevent an adhesive from infiltration into a surface of a porous substrate." (Abstract of JP '401).

Applicant respectfully submits that the rejection of claims 1, 2, 4, 6, 7, and 11 under 35 U.S.C. § 103(a) are improper because the rationale supporting the Examiner's conclusion of obviousness fails to identify sufficient reason why one of ordinary skill in the art would be motivated to modify the invention in JP '128 to arrive at the present invention based on the teachings in JP '401 without using impermissible hindsight reasoning.

Applicant respectfully submits that one of ordinary skill in the art would not be motivated to combine the references of JP '128 and JP '401 for the following technical reasons. JP '128 is not concerned with impregnating adhesives into a porous substrate. As a general matter, adhesives do not impregnate into a porous substrate; the impregnating only occurs when pressure is added. This is not disclosed in JP '128. That is, in JP '128, the adhesive is applied to the separator and dried.

On the other hand, the adhesive in JP '401 is applied to a porous substrate. The purpose of JP '401 is to obtain a strong decorative laminate, and the barrier layer is obtained by applying a synthetic resin solution to the rigid inorganic porous substrate.

Firstly, although JP '401 discloses thermosetting resin as an example of the synthetic resin solution, when the thermosetting resin is contained, flexibility of the slidable substrate made of resin is lost, thereby worsening the handling property and form following property. As a result, the advantage of the substrate made of resin cannot be exerted.

Furthermore, since synthetic resin solution is liquid, it cannot be held on the porous substrate and it would impregnate into the porous substrate. Therefore it is practically difficult to form a barrier layer by using such solution on the porous substrate. Thus, there would be no expectation of success in this regard. Specifically, JP '401 discloses that the synthetic resin solution is preferably aqueous things such as an emulsion or an aqueous solution. (*See* JP '401 paragraph [0031]).

On the other hand, the present invention discloses that the thermoplastic resin is used as a barrier layer and it is generally used in the form of sheet. Thus, one of ordinary skill in the art would not be motivated to combine JP '128 and JP '401. Furthermore, even if, *arguendo*, there could be motivation, the combination of JP '128 with the teachings of JP '401 would not lead one of ordinary skill in the art would to arrive at the present invention.

Claims 2, 4, 6, 7, and 11 depend from claim 1 and are therefore patentable over JP '128 alone or combined with JP '401 for at least the reasons mentioned with respect to claim 1. Accordingly, withdrawal of the rejection of claims 1, 2, 4, 6, 7, and 11 is respectfully requested.

V. Response to Rejection Under 35 U.S.C. § 103(a)

Claims 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '128 in view of JP '401 as applied to claims 7 and 1, respectively above, and further in view of JP 08-034959 A to Nakanishi (JP '959).

Applicant traverses.

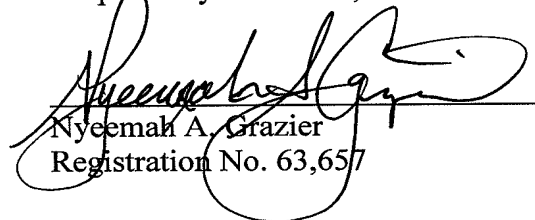
Claims 8-10 depend from claim 1 and would therefore be patentable over the art for at least the reasons mentioned with respect to claim 1. Accordingly, withdrawal of the rejection of claims 8-10 is respectfully requested.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: June 11, 2009

1/1

FIG. 1

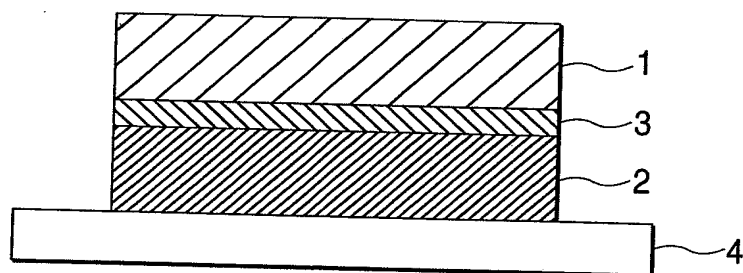


FIG. 2
CONVENTIONAL

